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February 9, 2011

EXHIBIT 1
DATE 2/10/2011
HB 334

Members of House Business and Labor Committee
Montana House of Representatives
PO Box 200400
Helena, MT 59620-0400

RE: Wayne Dykstra testimony on HB 334

Dear Committee Members:

As requested by the House Business and Labor Committee Chair, this letter is to respond to the comments made by Wayne Dykstra of Liquid Engineering during the hearing on HB 334. Wayne Dykstra asserted that Montana State Fund mishandled a claim by not referring the injured employee to a specialist and as a result the claim escalated to one million dollars for current and future costs.

Due to privacy issues we cannot provide specific medical details as to the treatment rationale on the claim in question. What we would like to explain is contrary to Mr. Dykstra's contention, a specialist was appropriately brought into the claim for treatment of the injured employee.

The claim in question, described as "sinus squeeze" by Mr. Dykstra, occurred on November 27, 2006. As an injured employee is entitled to select his initial treating physician, the injured employee sought treatment for his claim with the same physician who successfully treated him for a similar prior claim in November 2004. In March 2007 the injured employee was referred to a specialist as the condition had not resolved as it had in the previous claim. The injured employee was scheduled in March 2007 for a second opinion with a barotrauma specialist at Harborview in Seattle, Washington. The specialist treated the injured employee in May 2007 and the employee was ultimately released to work, but not to diving. Subsequently, additional specialist resources were contacted from the University of Pennsylvania, University of Miami, and an independent specialist in California; however, none of the specialists accepted the injured employee for treatment.

The employee continued to have treatments locally for his injury while working at Liquid Engineering in a non-diving capacity until his employment ended in April 2010. The

employee is not permanently totally disabled from this injury. The injured employee will continue to be treated for medical benefits connected to this injury. Indemnity benefits have been paid as required and these benefits ended in June 2010.

Thank you for the opportunity to provide clarification on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Root". The signature is stylized with a large, looped "R" and a horizontal line extending from the top of the "t".

Richard Root
Vice President Insurance Operations

Cc: Senator Kim Gillan